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# **Custodial Death &**

# **A Weak Alibi**

***People's Union for Democratic Rights  
Delhi***

***January 1996***

**T**HE year had just progressed a little with a multitude of hopes and prospects; but certainly not for 19 year old Indal, a resident of Jeevan Janata Camp, Tigri Khanpur. His death on 3rd January 1996 in the custody of Mehrauli Police Station, marked the first death this year in the custody of Delhi Police.

The Jeevan Janata Camp, Tigri Khanpur, set up around 1970-71, became the dwelling place for a large number of people migrating to Delhi in search of livelihood. Indal's father was employed as a pantry man at Hotel Diplomat in Chanakyapuri. His family moved from Bulandshahar to join him at Tigri Khanpur in October 1984. The father passed away a few months back. Indal's sister had also died just over a year ago. Thus there remained only two members in the family - Indal and his widowed mother.

Indal's mother saw him last when he left home on the night of 2nd January. She next saw his dead body at the mortuary of the All India Institute of Medical Sciences (AIIMS) the next afternoon. An inquest by the SDM under Section 176, Cr.P.C. was instituted immediately after the death. The PUDR sent a team to investigate the case. In the course of its investigation, the team met the Additional SHO of Mehrauli P.S., the DCP, South, the family members and neighbours, people at the site of incident, the SDM, South District and the hospital authorities.

### **Police Version**

According to the Additional SHO of Mehrauli P.S., information was received at the Central Control Room on the night of the 2nd that some residents of Shaiduljab had nabbed a thief while he was stealing a car-stereo from a Maruti car owned by one Ravinder Singh, a resident of the area. By the time the PCR van could reach the incident site, three or four persons gathered had already beaten up Indal. His accomplice had managed to escape with the stereo, and they had roughed up Indal in order to extract information. Policemen brought Indal to the Mehrauli P.S., where he was formally arrested under Section 379, I.P.C. (theft) on the complaint (FIR No. 8/96) of Ravinder Singh. The Daily Diary entry (No. 32 A) showed that his arrest had taken place at 12.35 a.m. on 3rd January in the presence of the Duty Officer, Nand Ram. The case was then handed over to the Head Constable, Rajbir, for investigation. Indal was then taken to the All India Institute of Medical Sciences (AIIMS) for a medical check-up. The MLC (No. 516/96) at AIIMS was registered at 1.17 a.m., in which the doctor on duty made three observations: smell of alcohol, under the influence of alcohol and to be kept under observation. According to the Addl. SHO, the doctor made a serious lapse by failing to record the injuries

suffered by Indal. The omission of this crucial fact, he alleged, went against the police.

Indal was then brought back to the P.S. He made no complaints whatsoever while in the lock-up until around 8.40 a.m. when a constable noticed that Indal was vomiting severely. He was again rushed to the same hospital. Police allege that the hospital delayed Indal's treatment, which proved fatal. He was declared dead at 10.59 a.m. A case of culpable homicide not amounting to murder (S.304, I.P.C.) was registered (FIR No. 9/96), in which the accused are not named.

The DCP, South concurred with the account given by the Addl. SHO. Both the police officers provided us with ridiculous arguments to explain the death and downplay their responsibility. Whereas the Addl. SHO conjured up a family history of epileptic fits, the DCP was of the view that Indal had suffered from mental disorder. The DCP even brought up Indal's unemployed status to argue that he was "rather a burden on his widowed mother".

### **Family Version**

According to the family, Indal left home on 2nd January at about 9 p.m.. At about 2 p.m. the next day, a constable came and informed his mother that Indal was admitted at AIIMS. On reaching the hospital with some relatives and neighbours, she was told that Indal was dead. A discharge slip of the hospital was provided to her which stated, "brought dead to OPD by police on 3.1.96 at 10.59". On hearing the news of Indal's death in police custody, residents of the colony got agitated. The same evening a large number of people gathered outside the hospital to protest against police high-handedness. Next day, they also demonstrated outside the office of the DCP, South. On 5th January, the body was handed over to the family after the post-mortem examination. However the police took the dead body directly to the Arjun Nagar crematorium for cremation.

### **Our Findings**

In most cases of deaths in police custody the story given by the police and the narration by the family are at variance. Recreation of the happenings from the time of arrest till the death becomes difficult, for in most cases the sole witnesses to the event are police personnel.

In the case of Indal's death, the family came into the picture only after the death. For in the twelve hours that Indal was in police custody, the police did not bother to inform the family. Thus our findings are pieced together from the records at the police station and at the hospital. The story that they tell vastly differs from the police account.

For one, the first MLC recorded at 1.17 a.m. on 3 January stated that Indal was to be kept under observation. The police personnel accompanying Indal instead took him to the police lock up against medical advice, thus denying Indal the right to treatment. No action has been taken against the policemen for this negligence and dereliction of duty.

Secondly, the second MLC (573/96) was recorded at 10.59 a.m. when Indal was brought dead. The post mortem examination however finds that the death occurred between 2 and 3 a.m. The police have no explanation for the eight intervening hours.

Third, the post mortem report also records 28 injuries. These include injuries on the thighs sufficient to make the person unfit to walk. There were also internal injuries to the liver. These, the post mortem concludes, are sufficient to cause death. Since the injuries were not mentioned in the first MLC recorded soon after arrest, it can conclusively be held that the injuries were sustained while Indal was in police custody.

In the light of the facts of the seriousness of the injuries and the substantial delay in bringing Indal's dead body to the hospital, the police argument that injuries were mistakenly overlooked by the doctor is a weak alibi. In attempting to protect the policemen responsible for Indal's death, many officers of the Delhi Police also stand implicated. Our findings conclude that injuries were inflicted upon Indal while he was in police custody and that these injuries caused his death.

### **PUDR Demands**

1. That criminal case for culpable homicide be registered against policemen responsible for beating Indal.
2. That the SHO and other officers of the police station be suspended for the delay in bringing the dead body to hospital and for protecting the guilty police personnel.
3. That action be taken against police personnel who brought Indal away from the hospital against medical advice.
4. That adequate compensation be paid to Indal's mother.
5. That the findings of the SDM inquest be made public.

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